entitled, without loss or injury to any, and as there is no evi-
dence other than that which is supposed to exist upon the face
of their proceedings, I do not think the court should undertake
to reverse their judgment. The provision found in the 9th
section of the act of 1786, ch. 45, prohibiting the commis-
sioners, when the land is not worth more than $15 per acre,
from dividing it into shares of less than fifty acres, forms no
part of the act of 1820, and, it is fair to presume, was pur-
posely dropped by the legislature.

But the objection that two of the infant heirs at law have no
part of the inheritance given them until after the death of their
mother, strikes me as much more formidable. There is noth-
ing to show that they have any means of support independently
of this property, and if that be the case, it is obvious they might
be subjected to the most serious inconvenience, if not to abso-
lute destitution. In the case of *Bennett* vs. *Bennett*, 5 *Gill*,
463, decided by the Court of Appeals, at December term, 1847,
the objection now under consideration was brought to the notice
of the court, and although the opinion as delivered does not
express the views of the court upon this particular point, it is
understood that such an objection to a partition under the act
of Assembly was entitled to much weight, if it did not ren-
der it altogether void. Such a partition was regarded as ineli-
gible and not to be viewed with favor. The return, there-
fore, in this case, will not be ratified, but the Chancellor forbears
at present from passing an order, as the parties may possibly
see some mode of avoiding a new survey.

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[Another return was then made by the commissioners, which
was again excepted to, and upon these exceptions the Chancel-
lor on the 14th of November, 1849, delivered the following
opinion, in which the exceptions and the return and partitions
made are sufficiently stated.]

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THE CHANCELLOR:

This case is submitted upon the objections of John B. Wil-
helm and others to the several returns of the commissioners,